

1 \*E-Filed 4/5/11\*

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SONY ELECTRONICS, INC.

Case No. C 10-5410 RS

Plaintiff,

v.

MEDIOSTREAM, INC.,

Defendant.

**ORDER GRANTING MOTION TO  
STAY**

In this action, plaintiff Sony Electronics, Inc. seeks declaratory relief that U.S. Patent No. 7,843,508 is invalid and/or that it is not infringed by Sony's products. Sony moves to stay this case pending reexamination of the '508 patent by the United States Patent and Trademark Office ("PTO"). Pursuant to Civil Local Rule 7-1(b), this matter is suitable for disposition without oral argument. The hearing and the Case Management Conference set for April 7, 2011 are vacated.

While this Court does not grant stays based on the existence of reexamination proceedings routinely or as a matter of course, Sony has adequately shown, and defendant Mediostream, Inc. has effectively conceded, that the particular facts and circumstances of this case render imposing such a stay appropriate. Sony's motion is therefore granted.

Mediostream's request that, notwithstanding the stay, Sony be required to disclose "all known prior art" within ten days is denied. Mediostream has failed to show that imposing such a

1 condition is necessary to prevent undue prejudice or otherwise appropriate in light of the interests  
2 served by the stay.

3 The stay does not preclude Mediostream from moving to transfer this action, should  
4 circumstances arise giving it a good faith basis to do so. Were this Court to conclude that the case  
5 should be transferred, however, the stay would remain in effect until and unless the transferee court  
6 exercised its discretion to lift it. Accordingly, it is not immediately apparent that Mediostream  
7 would have a cognizable interest in having the matter transferred until such time as circumstances  
8 also warrant lifting the stay.

9 The parties shall promptly notify the Court upon conclusion of the proceedings in the PTO.  
10 In the interim, they shall file joint status reports every 120 days.

11  
12 IT IS SO ORDERED.  
13

14 Dated: 4/5/11  
15



---

RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE